IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5930 of 2005

Between:

Katta Anitha, W/o.Vinod,
(Now under Suspension), R/o.Allurpet Village & Mandal,
Nellore District.

..... PETITIONER

AND

1.The Joint Collector, Nellore District, Nellore.
2.The Revenue Divisional officer, Kavali, Nellore District.
3.The Mandal Revenue oficer, Alluru Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the proceedings in Rc.No.J.1368/2005, dated 5-3-2005 of the 2nd respondent in responding the authorization of the petitioner as Fair Price shop Dealer of Allurpet village Allur Mandal, Nellore District as illegal, arbitrary, contrary to the principles of natural justice and without power and consequentially to set aside the same and pass appropriate orders as this Hon'ble court may deem fit and proper in the circumstances of this case.

Counsel for the Petitioner: MR.K.ANANDA RAO

Counsel for the Respondents1 to 3: G.P. FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.5930 OF 2005

ORAL ORDER:

Heard both sides.

2. The petitioner is actually aggrieved by the impugned proceedings in Rc.No.J.1368/2005, dated 05-03-2005, issued by the Revenue Divisional Officer, Kavali, Nellore District – second respondent herein, in suspending the authorization of the petitioner's dealership of Fair Price Shop, Allurpet Village, Allur Mandal, Nellore District. Challenging the said proceedings, an appeal had been promptly preferred by the petitioner and the same is pending. But, no interim orders, staying the impugned proceedings of the second respondent, have been passed by the appellate authority.

3. The facts, which are not in dispute, are that a show-cause notice had been issued by the second respondent to the petitioner regarding certain irregularities and a date has also been fixed for offering explanation by the petitioner. Within the time stipulated, explanation had been offered by the petitioner. But, interestingly even before such an explanation, as called for by the second respondent,

was offered, the impugned proceedings suspending the authorization of the petitioner have been issued by the second respondent. Hence, an appeal had been preferred and the same is pending.

4 . *Prima facie*, I am convinced that since the suspension of authorization of the dealership of the petitioner pending enquiry was ordered through the impugned proceedings, even before the explanation was offered by the petitioner, I deem it fit to dispose of the present writ petition with a direction to the Joint Collector, Nellore – first respondent herein to dispose of the appeal, preferred by the petitioner challenging the impugned proceedings, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

6. It is made clear that pending disposal of the appeal by the Joint Collector, Nellore – the first respondent herein, there shall be interim suspension of the impugned proceedings in Rc.No.J.1368/2005, dated 05-03-2005, of the Revenue Divisional Officer, Kavali, Nellore District – the second respondent herein.

D.S.R.VARMA, J

22ND MARCH, 2005

NOTE:

Issue operative portion

By wire at party's cost.

(BO)

ISN/KRK

Copy to:

1.The Joint Collector, Nellore District, Nellore.
2.The Revenue Divisional officer, Kavali, Nellore District.
3.The Mandal Revenue officer, Alluru Mandal, Nellore District.

4.Two CCs to the Government Pleader Civil Supplies, High Court Buildings, Hyderabad (OUT).

5.Two CD copies.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.5930 OF 2005

22ND MARCH, 2005